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ROY ROMER
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Interim Executive Director

November 1 1991



Mr Frazer Lockhart
U S Department of Energy
Rocky Flats Office
P O Box 928
Golden Colorado 80402-0928

RE OU 2 Walnut Creek IM/IRA, Dispute Resolution

Dear Mr Lockhart

The Colorado Department of Health Hazardous Materials and Waste Management Division (the Division) is forwarding this letter to you as additional support for the EPA/CDH offer of dispute resolution on the OU 2 Walnut Creek IM/IRA. The offer has been presented to you during a telephone conference on October 31 1991 as well as in a letter from EPA dated the same day. Therefore this letter will not repeat the offer but rather summarize the thought process behind the offer.

During previous negotiations on this dispute the parties agreed that no more than six months of delay could be attributed to good cause. It is important to note that this six month figure represents a compromise on our part. It is also important to note that no new communication or correspondence has given any indication that this figure should change. We agreed to this compromise in return for a commitment on DOE's part to change the procurement and engineering support procedures. This change in procedures remains our primary goal in resolution of this dispute. We now feel that granting any additional delay would jeopardize our efforts and DOE's motivation to change these procedures. A further delay to accommodate a compressed existing system removes any incentive for DOE to find a new and better method.

CDH and EPA recognize that this offer leaves an element of risk for DOE to bear in regard to any additional delays that may need to be requested in March 1992. However since January 1991 EPA and CDH have granted 23 delays in IAG milestones. We believe this represents a willingness on the agencies part to work with DOE when good cause can be demonstrated and do not anticipate a change in this posture in the future.

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What we do anticipate is 1) a much more accurate estimation of the exact amount of delay that will be necessary to meet the April 24 and 27 1992 milestones 2) documentation that shows every effort has been expended to meet the April 24 and 27 1992 milestones and 3) documentation of efforts showing that a new procurement and engineering support system has been or is being implemented that will expedite these types of Interim Measures in the future

If you have any questions regarding these matters please call me at 331-4847 or Joe Schieffelin of my staff at 331-4421

Sincerely



Gary W Baughman
Unit Leader Hazardous Waste Facilities
Hazardous Materials and Waste Management Division

cc Martin Hestmark, EPA
Scott Grace DOE
Paul Bunge EG&G
Barbara Barry RFP
Daniel S Miller AGO